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JUL 13 2006

OFFICE OF PETITIONS

In re Application of  
Terrence R. Burke, Jr., et al.  
Application No. 09/937,150  
Filed: March 26, 2002  
Atty Docket No.: 401371

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ON PETITION

This is a decision on the petition, filed July 12, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on July 21, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***<sup>1</sup>

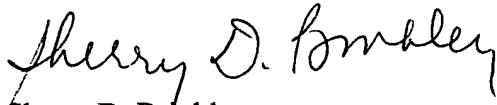
It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

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<sup>1</sup>The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The application is being referred to Technology Center AU 1653 for further processing of the request for continued examination under 37 CFR 1.114.

A handwritten signature in black ink, reading "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" being more prominent than the last name "Brinkley".

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

cc: LEYDIG, VOIT & MAYER, LTD.  
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